

# *CITY COUNCIL*

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## ***Committee of the Whole***

**Monday, March 12, 2012**

**Council Office**

**5:00 pm**

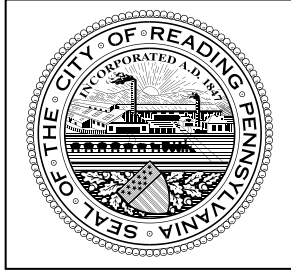
**Agenda**

*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.*

*All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 7-2012*

### **I. Reading River Tribe Presentation**

### **II. Agenda Review**



## ***COMMITTEE of the WHOLE***

### ***CITY COUNCIL***

**MINUTES**  
**February 27, 2012**  
**5:00 P.M.**

#### **COUNCIL MEMBERS PRESENT:**

M. Goodman-Hinnershitz, D. Sterner, D. Reed, F. Acosta, R. Corcoran, S. Marmarou

#### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Younger, C. Geffken, T. Butler, R. Natale, D. Kersley, M. Vind, P. Edelman, D. Cituk, M. Reinhart

Mr. Acosta called the Committee of the Whole meeting to order at 5:00 p.m.

### **I. Financial Legislation**

Mr. Vind stated that the refinancing of the general obligation bond before Council for final passage this evening will yield \$250,000 - \$300,000 in savings for 2012. He stated that the refinancing of the bond item being introduced this evening will change to a fixed interest rate of 2% and yield \$100,000 savings in 2012.

### **II. Property Maintenance Code**

Mr. Spencer arrived at this time.

Mr. Natale stated that he will be making a brief presentation this evening on the highlights of the changes to the Property Maintenance Code.

Ms. Reinhart stated that the ICC Code has been amended to meet Reading's needs.

Mr. Waltman arrived at this time.

Mr. Natale highlighted the following:

- A Neighborhood Mitigation Fee has been added which will allow the MDJs to add a fee of \$50 to all guilty verdicts which will come to the City in its entirety.
- The City can charge a fee for the extension of deadlines given for improvements.
- Stop Work Orders are covered by the UCC codes and are handled by Trades officials. He stated that Trades is working to better enforce the UCC.
- The Act 90 Blight regulations have been added and he will be encouraging the MDJs to enforce them.
- Tree, bush, and shrub maintenance has been added.
- Regulations which do not allow sleeping in kitchens have been added.
- Working smoke detectors and fire extinguishers are required in rental units.

Mr. Murin arrived at this time.

Ms. Goodman-Hinnershitz questioned the procedure for the unauthorized removal of placards. Mr. Natale stated that it is difficult to prove who removed the placard but that the properties are re-posted if Codes is informed that it has been removed.

Ms. Goodman-Hinnershitz questioned sleeping in living rooms and dining rooms. Mr. Natale stated that this is allowed but that he has been working with the Law Department to institute a maximum limit on residents based on square feet of living space.

Mr. Natale requested that Council pass this Code update. He stated that the Code will be uploaded to the handheld computers used by Codes personnel that will be used during inspections. He stated that violation reports will now be computerized. He noted his hope that this amendment will assist in the work of the Blighted Property Review Committee and with cases before MDJs.

Mr. Sterner questioned if the pre-settlement inspections would assist in finding those who conceal problems when properties are sold. Mr. Natale stated that it would find many but that this provision was added to the Code to assist with those properties sold privately in which disclosure may not take place.

Mr. Corcoran explained that there is also a seller disclosure statement signed regarding this issue when a realtor is used. He stated that if this disclosure is signed and problems are discovered, the buyer can sue the seller.

Mr. Marmarou stated that tenant issues can be problematic when the landlord threatens to retaliate. Mr. Natale stated that these cases are referred to the City's Fair Housing Office.

### **III. Merchant Parking Permit**

Ms. Goodman-Hinnershitz stated that this issue was discussed at the Public Safety, Public Works, and Neighborhood Services Committee. She stated that it was recommended for discussion at a Committee of the Whole.

Mr. Spencer stated that members of the public were just told that this issue would not be discussed this evening and have left the meeting.

Mr. Sterner stated that this issue is in his Council district. He stated that only 14 of 50 merchants participate in the program.

Mr. Acosta suggested that this issue be discussed at the next Committee of the Whole meeting.

Mr. Marmarou requested that Mr. Lee and Chief Heim be present for discussions.

Ms. Goodman-Hinnershitz also noted the need for clarification of utilization of the Encore parking lot at 9<sup>th</sup> & Court Sts.

### **IV. Agenda Review**

Mr. Acosta stated that there are 20+ speakers registered to address Council this evening and that since the registration time has past, no additional speakers will be registered to address Council this evening.

Mr. Sterner suggested that those registered to speak on non-agenda items address Council at the conclusion of Council business as per the meeting agenda.

Ms. Kelleher stated that there are twelve people registered to speak on agenda items and ten on non-agenda items.

Ms. Kelleher distributed a memo explaining amendments to the agenda requested by the Administration. The resolution included in the consent agenda regarding Alvernia University should be withdrawn until a later date. An emergency ordinance (which will be read and voted on this evening) regarding part time employees in the Police

Department will be added in addition to an ordinance for introduction adding all part time, seasonal and temporary positions to the Position Ordinance.

Mr. Acosta explained that this legislation is necessary since the recent Charter Board opinion that all positions needed to be included in the annual position ordinance.

Mr. Geffken explained that an emergency ordinance can be read and acted on at the same meeting. He stated that emergency legislation must address a public safety issue and has a life span of 90 days in order for the municipality to take permanent corrective action within that timeframe. He stated that the other ordinance for introduction makes those corrections and can be acted on at the March 12 meeting which is well within the 90 day time period.

Ms. Goodman-Hinnershitz questioned if this was proper protocol. Mr. Younger stated that it was.

Council reviewed this evening's agenda including the following:

- Resolution amending the CDBG-R Action Plan by reprogramming \$200,000 from the 500 block of Franklin St project to fund the repaving of the 500 – 700 blocks of Court St

Mr. Geffken stated that the sidewalk of the bridge is not included in this project. He stated that including the sidewalk will delay the project due to the need for an additional engineering study. He stated that the County will be closing the garage beneath the Services Center at the same time.

Mr. Marmarou questioned utilities in the bridge. Mr. Geffken stated that there is potential for one utility to be located there. He stated that there has been communication with all utilities and stated that there may be delay due to the falcon mating season.

- Resolution regarding a project at Alvernia University

Ms. Katzenmoyer explained that this is the resolution that has been requested to be withdrawn for action at a later date.

- Resolution regarding a contract for electricity supply

Mr. Geffken stated that this contract would be for a period three years at a price of six (6) cents per kilowatt hour

- Ordinance transferring funds in the Property Maintenance Division for the purchase of vehicles

Mr. Geffken stated that this is an additional step to update the City's fleet to increase efficiency of workers and vehicles.

Mr. Kersley stated that a Crown Victoria currently being used gets twelve (12) mpg where the new vehicle will get 38 mpg.

- Ordinance reducing the amount of expenditures from \$50,000 to \$25,000 requiring Council approval

Ms. Goodman-Hinnershitz questioned the process for these ordinances. Mr. Acosta stated that they were discussed at a Finance, Audit and Budget Committee.

- Ordinance setting the salary of the CD Director at \$75,000 annually

Mr. Waltman questioned if the Administration had discussed the change in salary with the candidate. Mr. Spencer stated that the candidate was informed of the change and did not ask for his name to be withdrawn from consideration.

Ms. Goodman-Hinnershitz questioned the salary range for the CD Director. Ms. Kelleher stated that the range is \$55,000 - \$85,000.

- Ordinance to issue a series of General Obligation bonds not to exceed \$5,000,000

Mr. Acosta stated that this is one of the items described by Mr. Vind earlier this evening.

Mr. Geffken reminded Council that it is practice to approve an amount greater than what is needed just in case.

- Ordinance amending the budget to fund certain positions in the Mayor's Office

Mr. Kersley distributed an amendment which would move the Special Assistant for Communications into the Managing Director's office to bring this issue into compliance with the recent opinion of the Charter Board. He requested that Council allow the Mayor to establish his staff and that this is a compromise position. He stated that the funding has been reallocated from vacant positions.

Ms. Goodman-Hinnershitz stated that the unexpended funds are only good for 2012 and are not sustainable. She noted her concern that these funds will not be available in 2013. Mr. Kersley stated that this issue will be addressed during the 2013 budget process. Mr. Spencer agreed and stated that the Administration must prove the continued need for these positions during the 2013 budget process. He stated that they will be able to show Council the cost savings incurred by the City due to these positions during that time.

Ms. Goodman-Hinnershitz questioned if the positions would be exempt. Mr. Geffken stated that all positions would be exempt.

Ms. Goodman-Hinnershitz questioned their current status. Mr. Geffken stated that they are exempt on a part time basis.

Mr. Waltman stated that this issue has gone on for too long. He stated that the Mayor should be allowed to build his team and that Council needs to be able to address issues more quickly. He noted his understanding of the checks and balances system but that Council cannot legislate every Mayoral decision. He noted the need to approve the positions now and hold the Mayor accountable for them during the 2013 budget process. He noted that there are also other issues which need to be addressed by Council.

Mr. Sterner expressed the belief that there is no need for a Special Assistant for Communications. He stated that most Council staff have more responsibilities than this position and earn less than \$45,000. He stated that he agrees with the other positions.

Mr. Spencer explained that, in the past, news about the City was not positive. He noted the need to put a positive image forward. He stated that these positions are not political and that the City needs to highlight the positive work it performs. He stated that Council makes the final decision on the positions. He stated that he decided on the need for this position during his campaign when residents questioned what they get for their tax dollars.

Ms. Goodman-Hinnershitz noted her understanding of the need for positive media coverage but also noted the financial constraints of the City. She stated that this work could be performed by another staff member as needed but that there was not a need for this position to be full time. She noted that Reading is in financial recovery and that this is not a priority at this time.

Mr. Spencer stated that he needed to campaign on his ideas and answer to the residents. He noted his understanding that he will be held accountable for what happens to the City.

Mr. Waltman stated that the Mayor should be granted this position for 2012. He stated that during 2013 budget discussions this position may prove to be very valuable. He noted the need to give the Mayor the tools he needs to move the City forward and that Council gets too caught up in the details. He stated that this is not a major amount of money and that Council and the Administration need to work together.

Ms. Reed described the process of the evaluation of core services. She stated that clean and safe were the top priorities for officials, staff and the general public and questioned how these positions will dovetail into these core services. She stated that these positions are not essential. She stated that residents will see the addition of these positions as a statement that the City does not need additional officers since the City is now safe and does not need additional public works employees as the City is now clean. She stated that this will make a poor public impression.

Mr. Marmarou noted his pride in Mr. Spencer's election and that he was looking forward to working together. He stated that residents are questioning him why these positions are being added when police officers have been reduced.

Ms. Reed questioned if the employees would receive unemployment if the positions are not approved. Mr. Cituk deferred to legal staff.

Mr. Acosta noted that many on Council do not support the Special Assistant for Communications. He noted the need to find compromise and move on.

Ms. Goodman-Hinnershitz suggested not approving the amended ordinance. She stated that instead of viewing the rejection of the ordinance in a negative way it should be used as a tool to move forward. She stated that the employees in the two authorized positions should have transitioned into the new Administration and no staff changes should have occurred before the funding was secured.

Mr. Waltman noted the perception that many have that the City is a bad place. He stated that the Special Assistant for Communications would deliver a positive image of the City. He stated that Reading has allowed the media to define it and now must counter all the negatives. He noted the need for Councilors to get more serious at budget time to solve the City's larger problems.



Ms. Goodman-Hinnershitz noted the need for Councilors to be hard on the issues and soft on the people. She stated that all Councilors do work hard during budget season and that this is a learning process for all. She stated that Act 47 does not mean adding positions. She noted the need for the City to only do what it can afford. She stated that adding these positions could give the perception that the financial crisis is over.

Mr. Waltman stated that the City does not have seven mayors but one. He noted that Council needs to let Mr. Spencer lead and that Council should get out of his way.

Mr. Corcoran stated that he has no history with Council or the Mayor. He stated that he wants the City to succeed but noted that there are many residents in his District who are experiencing nuisance crimes and cannot get a police response. He stated that he cannot approve these positions in good conscience.

Mr. Acosta again noted the need to compromise.

Mr. Spencer stated that he has made alternate plans if the positions are not approved.

Mr. Sterner questioned amending the ordinance at the table.

Ms. Goodman-Hinnershitz noted that amending legislation at the 11<sup>th</sup> hour has proven to be problematic. She recommended voting on the legislation as is and reworking it.

Ms. Reed noted her agreement with Ms. Goodman-Hinnershitz not to amend the legislation at the table.

Mr. Sterner noted the need to move on but again noted his belief that another position could assume the responsibilities of the Special Assistant for Communications.

Mr. Acosta voiced his agreement with Mr. Sterner.

Ms. Goodman-Hinnershitz stated that she was saddened that the reality of the financial situation of the City is not fully understood by all. She stated that she wants the City to do great work and that she supports Mr. Spencer but that there is a need for creative solutions.

Ms. Reed stated that the public does not support these positions and that it is Council's responsibility to be the City's fiduciary watchdog.

Mr. Corcoran stated that the Special Assistant for Communication can tell people the positives but that the residents will live the reality. He stated that \$200,000 may not be

much to the City's budget but to residents trying to do more with less, this is a large amount of money.

Ms. Goodman-Hinnershitz suggested the body give alternatives and a creative plan.

Mr. Kersley stated that there is no cost to these positions for 2012 as the funding is being reallocated from unspent 2012 funds. He noted the need to address the perception of the media. He stated that Mr. Spencer was elected as the City's mayor and that Council needs to support his vision.

- Ordinance amending the Property Maintenance Code

Mr. Acosta noted that Mr. Natale did an excellent job highlighting the changes contained in this amendment.

- Reimbursement Resolution

Mr. Acosta stated that Council had a presentation about this resolution by Mr. Vind.

Mr. Geffken explained that this resolution allows the City to begin expending funds for the projects at the waste water treatment plant and then be reimbursed for the work after the debt financing has been received.

- Resolution appointing Councilor Corcoran to the Blighted Property Review Committee

Ms. Reed stated that Mr. Corcoran will be a perfect fit for the BPRC with his real estate background.

- Resolution appointing Lenin Agudo as the CD Director

Mr. Sterner questioned if Mr. Agudo accepted the change in the starting salary. Mr. Marmarou stated that Mr. Spencer stated that he spoke with Mr. Agudo who did not withdraw his name from consideration.

## **V. Other Discussion**

Ms. Goodman-Hinnershitz questioned the protocol for the number of speakers registered to speak this evening. Mr. Acosta stated that Council will follow its policy of allowing those registered to speak on non-agenda items to address Council for three

minutes and those registered to speak on agenda items to address Council for five minutes.

Council agreed to have those registered to speak on non-agenda items to speak after the legislation has been addressed as per the public speaking rules.

Mr. Acosta stated that if a speaker does not address Council in English he will call a point of order to ensure that all in attendance can understand the comments and participate in the meeting.

Ms. Reed noted the need to explain that speakers need to register by 5 pm. Mr. Acosta requested that the agenda be changed to reflect this in the future.

Mr. Waltman stated that a call for the question should be respectful of the person who has the floor. He stated that he has done research on calling the question and that a call for the question needs to be in the form of a motion and needs a second and a 2/3 affirmative vote to move forward.

Mr. Acosta requested that Mr. Younger research this issue.

Ms. Goodman-Hinnershitz also noted the importance of raising one's hand to be recognized by the Council President before making comment. Mr. Marmarou stated that the computer screen shields some Councilors from the President's view.

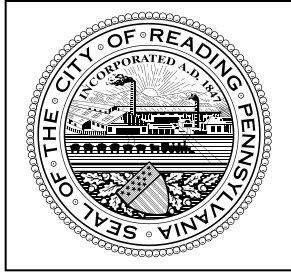
Mr. Spencer stated that he can reduce the number of people speaking as he will be making his comments during the Administrative Report. He questioned if items would be taken out of agenda order this evening. Mr. Acosta stated that nothing will be taken out of order this evening.

The meeting adjourned at 6:40 pm.

Respectfully

Submitted

*Linda A. Kelleher, CMC, City Clerk*



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

### **Minutes**

**Saturday, March 3, 2012**

**9 Am**

**Penn Room**

**Councilors Attending:** F. Acosta, D. Reed, R. Corcoran, S. Marmarou, J. Waltman, M. Goodman-Hinnershitz, D. Sterner

**Others Attending:** L. Kelleher, D. D'Auria, R. Natale

Mr. Acosta called the session to order at approximately 9:04 am. He stated that Mr. Spencer is out of town today. Mr. Acosta stated that the minutes of this session can be shared with Mr. Spencer so he will be aware of what issues were discussed and the outcomes.

### **Quality of Life Ticketing Program**

Mr. Sterner suggested that the group reconsider issuing a warning before a ticket in some instances.

Ms. Goodman-Hinnershitz suggested that Council consider the various levels of each infraction and then applying enforcement consistently.

Mr. Marmarou stated that the program is based on a common sense approach and he agreed with the suggestion for consistent enforcement.

Ms. Goodman-Hinnershitz suggested that the Property Maintenance personnel are in a dilemma as they are required to enforce all regulations. She suggested considering the violations in tiers based on safety.

Mr. Natale stated that this program is one year old and that warnings, not tickets, were issued the first 30-60 days of the program. Also during this time period newspaper articles were printed about the program and leaflets were distributed inside the water bills. He also noted that additional education was provided when the warning period concluded. He also described how the Division tracks and plans sweeps on a City-wide basis.

Mr. Natale stated that he or PM Supervisor Craze holds appeal meetings with property owners who object to the ticket and photographic evidence is used to support the ticket. He stated that the meetings are fair and approximately 42% of the appeals are granted and the fine is refunded.

Mr. Natale expressed the belief that the program has uplifted various neighborhoods.

Mr. Sterner suggested changing the process to require payment of the fine only if the appeal is denied. Mr. Natale stated that that approach could be problematic as people may refuse to pay if they are not satisfied with the outcome of the appeal meeting.

Ms. Reed noted the difficulty residents living in the outlying more suburban-like areas have about why their neighborhoods are included as the majority of these properties are maintained nicely when compared to inner-city neighborhoods. She suggested the use of a triaged approach with extra effort in stressed areas.

Mr. Waltman stated that he did not support the ticketing program as he believes it should be one component of a larger comprehensive strategy. He expressed the belief that the program has created a small level of compliance but has irritated the general population.

Mr. Waltman suggested instead a community relations approach that begins with rating all properties, provides outreach and assistance for owners who are without the resources to maintain their properties and enforcing regulations for those who refuse to comply.

Ms. Goodman-Hinnershitz suggested an approach similar to that used to enforce tobacco regulations. She stated that the first tier would provide education, the second tier evaluated who was and was not in compliance with the regulations, the third tier would provide enforcement in areas with chronic problems and the fourth tier would bring heavy enforcement to those who refuse to comply.

Mr. Waltman suggested increasing the fines associated with the citation process. Ms. Kelleher reminded the group that several years ago Council steeply increased the property maintenance fines. However, the MDJs refused to find people guilty due to the high amount of the fine and requested a scaled back model. However, the reduction of the fines has not changed their behavior.

Ms. Goodman-Hinnershitz questioned requiring the payment of the ticket after the appeal process is concluded. Mr. Marmarou stated that citizens appealing tickets to the MDJs must pay the fine prior to the hearing. Mr. Acosta stated that eliminating pre-payment may increase the number of appeal hearings requested.

Mr. Natale expressed the belief that the complaints about the ticketing program are isolated. He stated that the landlords who have complained are those who are over extended or who have problems managing their properties.

Mr. Marmarou stated that a presentation about the ticketing program was made to the College Heights Community Council and the program received support. Ms. Reed stated that the District 5 community group had a mixed reaction to the presentation. Ms. Goodman-Hinnershitz stated that District 2 had a positive reaction to the program. Mr. Waltman stated that District 6 residents were not supportive of the program.

Mr. Waltman suggested that a concentrated approach on the biggest offenders rather than a City-wide approach.

Mr. Acosta noted the difficulties for people who do not have outdoor pathways between the front and the rear areas of the property. He agreed with the need to apply enforcement effort in stressed areas. Mr. Sterner stated that these residents without outdoor access will need to transport the trash and recycling through the house.

There was a discussion on front vs. rear trash collection. Mr. Waltman noted that rear trash collection would prevent unsightly trash on sidewalks. Mr. Marmarou stated that the large compactor trucks would not fit down most alleyways. He also recalled the increased cost for rear vs. front trash collection. Mr. Natale noted that as the City's trash collection contract recently started, a change in the collection method would not be possible at this time.

There was a discussion on the need for Codes to focus on cleanliness of the streetscape. Mr. Acosta suggested applying a targeted approach to Codes enforcement. Ms. Reed

suggested using the Problem Solving model used by the Police Department as it applies resources when need arises.

Ms. Goodman-Hinnershitz expressed the belief that there is more street litter because more disposable products such as plastic beverage bottles and wrappers are more widely available due to the increase in neighborhood stores.

Mr. Sterner stated that he agrees that trash and recycling bins should be stored out of public view.

Ms. D'Auria suggested allowing storage within the public view if screening materials such as fencing or shrubbery is used.

The annual QoL Ticketing report was distributed and reviewed. Mr. Sterner noted that the majority of the tickets were trash and container storage related.

Mr. Waltman left the meeting due to another engagement.

Ms. Goodman-Hinnershitz stated that the City needs to improve the maintenance of City-owned properties. As an example she noted the litter and uncut weeds on the Lindburg Viaduct. She questioned how a small borough like Mt. Penn can perform maintenance better than the City. Mr. Acosta noted the lack of manpower in Public Works contributes to this situation. He also noted the unkempt appearance of the City's gateways.

Mr. Corcoran stated that landlords are beginning to improve leases by adding language that allows eviction for failure to pay a QoL ticket or obtaining a DCR. He questioned if the ticket could be issued to the tenant rather than the property owner. Mr. Natale stated that the ticket must be issued to the property owner; however, the property owner can make the tenant pay. He stated that he has changed the ticket form to show that the ticket was issued due to the tenant's behavior.

Mr. Sterner inquired about the length between the appeal request and the actual meeting. Mr. Natale stated that the meetings are usually scheduled within 30-45 days of the request. Mr. Natale stated that he is working with IT to develop an application that would allow property owners to view the photos that support the ticket online so appeals can be conducted via telephone.

Mr. Sterner expressed his support of the QoL program, noting its effectiveness.

Mr. Acosta described his experience following a Municipal Aide, watching as he noticed a violation and knocked on the door of the property to speak with the person who answered the door. He stated that after the conversation with the person who answered the door the Municipal Aide left without issuing a ticket due to his satisfaction with the conversation.

Ms. Goodman-Hinnershitz again suggested requiring payment of the ticket after the appeal process. Mr. Sterner and Mr. Acosta suggested adding an appeal fee to the price of the ticket.

Mr. Acosta and Mr. Sterner also suggested creating a neutral citizen panel to hear appeals, rather than the Codes Manager or Supervisor. Ms. Goodman-Hinnershitz stated that a similar approach is used by the County Juvenile Probation Office.

Mr. Corcoran inquired if rental permits and other forms could be submitted online rather than via paper. Ms. Kelleher stated that that approach is used by other cities and it could be used here, along with online payment.

The draft amendment of the appeal process was distributed. Mr. Natale explained that the current ordinance does not say outright that further appeals are available through the Court of Common Pleas; however, the Local Agency Act provides that option. This amendment will provide that statement. He also asked Council to support Bill No. 8-2012 which has been tabled. He described the various programs and projects Codes has underway.

Mr. Acosta noted the need to consider additional manpower in Codes.

Mr. Acosta suggested that Councilors go on “ride-alongs” with Codes staff. He noted that the Mayor recently went out on a QoL sweep. Mr. Natale stated that the Mayor has not yet been able to go out for a sweep. He asked Councilors to let him know when they are available.

Mr. Acosta stated that this discussion provides the following Council opinion:

1. The need to consider additional Codes personnel in the 2013 budget if the Division’s revenue is sufficient
2. Creating a neutral, citizen appeals panel
3. Improving maintenance of City owned properties and areas
4. Adjustment to the appeal process and cost



## **Policy Book**

Mr. Acosta noted the need to provide language to cover the appointment process to fill the vacated seat of the Mayor or Council President.

Ms. Kelleher stated that this process is not set out so the body of Council can decide to appoint from within or decide to invite outside applicants.

There was a discussion on the PFM email regarding the search for a candidate to fill the Administrative Services Director and the Managing Director positions. Members of Council were pleased with the approach PFM is taking to seek out the best candidates in a neutral fashion.

Council suggested discussing the positions desired by the Mayor with PFM. Mr. Acosta stated that the conversation can begin at the Act 47 meeting this Thursday afternoon.

Mr. Acosta inquired about the ability of the Mayor to name a temporary Managing Director. Ms. Kelleher stated that Mr. Younger and the Charter Board have opined that the Mayor cannot name a temporary Managing Director for a 90 day period, after March 15<sup>th</sup>, the date of Mr. Geffken's resignation. The Charter states:

### **Section 403. Vacancy.**

(a) If the position of Managing Director becomes vacant at any time, the provisions of Section 401 shall apply to the hiring of a replacement.

### **Section 401. Appointment; Qualification; Compensation.**

(a) Within ninety (90) days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within twelve (12) months of being appointed.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a Temporary Managing Director for a period of time not to exceed ninety (90) days. During this period of time, the Mayor shall continue to use all available means to fill the position.

Mr. Marmarou noted that people have reacted badly to the combination of the City and County real estate tax and questioned their ability to pay the combined bill. Ms. Kelleher noted that before the bills were combined, the bills were mailed during the same month so there is little difference between getting one piece of mail rather than two.

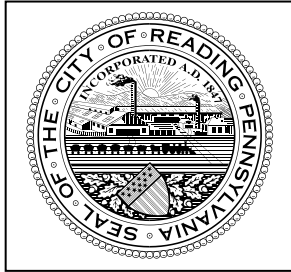
Mr. Marmarou stated that people may have “sticker shock” when seeing the total combined amount. He inquired if the County Treasurer has explored the use of a payment plan. He also inquired about the new due date. Ms. Kelleher stated that when the City mailed its own property tax bills, the bill was due in September; however, the County does not require payment until the end of the calendar year.

Ms. Kelleher was asked to find out if the County Treasurer has considered a payment plan and how the City’s portion is remitted when a partial payment is made.

Council went into Executive Session to discuss personnel matters to discuss personnel matters at approximately 11:25 pm. He cited Sunshine Act Section 708 (a) (1) “To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency’s decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 of the Pennsylvania Consolidated Statutes (related to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.”

Council exited Executive Session and adjourned at approximately 12:05 pm.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*



## ***COMMITTEE of the WHOLE***

### ***CITY COUNCIL***

**MINUTES**  
**March 5, 2012**  
**5:00 P.M.**

#### **COUNCIL MEMBERS PRESENT:**

M. Goodman-Hinnershitz, D. Sterner, D. Reed, F. Acosta, R. Corcoran, S. Marmarou, J. Waltman

#### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Geffken, T. Butler, R. Natale, K. Murphy, D. Smith

Mr. Acosta called the Committee of the Whole meeting to order at 5:04 p.m.

#### **I. Angelica Park**

Ms. Goodman-Hinnershitz requested an historic background of the park before discussing the lease agreements. Ms. Murphy stated that until the late 1800's this area was a completely forested watershed. She stated that the property was purchased in the late 1800's by the Angelica Ice Co. The City purchased the property in 1915 and opened it as a park. She stated that beginning in the 1980's the condition of the park began to deteriorate and in 2001 the dam was breached by a storm. She stated that the City was also working with PA DEP to establish the wetlands park and that the current environmental center is located in the former boathouse. She stated that the City must hold the wetlands until 2013 as part of the waste water treatment plan consent decree. Work on the environmental center and the area trail system began in July 2008. She noted her hope that the City establishes partnerships with the Berks County Conservancy and Alvernia University regarding Angelica Park. She stated that the

funding for the environmental center was through grants and volunteer work. She noted that the Conservancy has outgrown its facility in City Park and hopes to build a larger facility in Angelica Park.

Mr. Smith stated that Alvernia currently leases the ball fields and tennis courts from the City. He stated that the University has spent several million dollars to improve these facilities and has a successful relationship with the City's public works employees. He noted that the University is in close proximity to the park and he feels it is the University's duty to assist the City. He stated that approval of these lease agreements would relieve the City of the expenses to maintain this park. He noted his hope to restore vitality to this park.

Mr. Smith explained that the Conservancy has identified several zones within the park based on their usage. A map was distributed showing the zones. Zone 10 is the location where the Conservancy is planning to build their new facility. He stated that the lease agreements retain City ownership of the park. He stated that Alvernia would maintain zones 3 and 4 and would include upgrading the parking area.

Ms. Murphy explained that zone 2 includes the creek and the creek's riparian buffer area. The area labeled 1 is the location of the current educational center and number 9 is a temporary garden which has been established. She stated that number 10 indicates the location of the new building which would connect to both number 1 and number 9. She stated that the Conservancy is planning to hold a capital campaign to build the new \$5 - \$6 million facility. She stated that their current location in City Park would revert back to the City. She stated that the Conservancy would also take control of the wetlands area after the conclusion of the consent decree and explained that zone 6 is the current trail and zone 7 is the wooded areas. She stated that zone 7 would remain as is as it is a healthy forest system.

Mr. Waltman questioned the time period before the Conservancy would move to this new location. Ms. Murphy estimated it would be 5 – 6 years.

Mr. Waltman stated that he is a proponent of preservation and conservation. He stated that when the dam was damaged, it was removed but the bridge on Route 10 was repaired. He stated that he still feels a sense of loss to the neighborhood as the dam was not repaired and the lake returned. He stated that the new signage for Alvernia at the park entrance makes it appear that this park is no longer public property. He noted the need for input from the residents about these agreements and that this input would be a critical component to future use of the park. He noted the need for this facility to remain a City park and for residents to be able to use the facilities. Ms. Murphy noted her understanding of Mr. Waltman's comments. She stated that she is at this location

on a daily basis and that it is a very active park. She stated that Alvernia has an agreement with the Millmont School and there are students in the park on a regular basis. She stated that the use of the park may have changed but that it is still a very active area.

Mr. Waltman stated that he found it hard to believe that the park is used more now than when the lake was available. He noted that 99 years is a long time for the agreements. Ms. Murphy stated that the Conservancy is prepared to program and staff the park as needed. She stated that summer concerts may return.

Mr. Waltman stated that the financial position of the City will change. He suggested that the City not deal all its cards away.

Mr. Marmarou described problems that leagues have acquiring use of the ball fields. He stated that these fields are still City owned and others should have access. Mr. Smith stated that he agreed that Alvernia was not allowing as much usage as others needed. He stated that he has met with recreation staff and the operating agreement has been adjusted. He stated that six additional weekends were added and that tournaments may now hold up to four games per day. The fee has also decreased to allow other City and non-profit groups to use the facilities. He explained that the fields need to be inactive for two weeks for routine maintenance.

Mr. Marmarou noted his approval of the changes to the operating agreement.

Ms. Reed noted her support of these agreements. She noted the current condition of the City's parks and the City's inability to maintain them. She stated that Alvernia and the Conservancy will be excellent partners and stated that the park has been changed forever by the dam breaking. She stated that this is an excellent example of potential partnerships and that she is glad the agreements have come forward.

Ms. Goodman-Hinnershitz stated that one of her goals on Council was to develop partnerships but also to acknowledge the history of an area. She stated that it has been a challenge to change residents' perception of the wetlands but that it has encouraged the migration of many birds to the area. She agreed that the new signage gives the impression that this is no longer a City park. She requested that the signage be changed to reflect City ownership of the park to make best use of the land. She stated that the lease agreements are for a 99 year period to allow for long-range planning and for a long-term commitment. She noted the need to review the agreements periodically and for all to visit the location.

Mr. Sterner expressed his belief that this is a good proposal. He noted the need to change the signage to reflect that the area is open to the public and not a part of Alvernia's campus. He questioned the right of first refusal. Mr. Smith explained that this is only if the City would decide to sell the park.

Mr. Sterner noted the need for the City to have the ability to terminate the lease. Ms. Murphy reiterated that the City would retain ownership of the park.

Ms. Murphy explained that there were three agreements before Council – between the City and Alvernia, between the City and the Conservancy and the Alvernia operating agreement.

Mr. Smith stated that the operating agreement fills the gap until the consent decree is finalized and the Conservancy builds its new facility. He stated that when these things occur, it would become part of the lease agreement.

Ms. Murphy stated that the Conservancy would also want a condo agreement in place stating that the Conservancy owns the building and it would remain a Conservancy asset.

Mr. Waltman questioned limitations on the development within the park. He stated that the City should have the ability to move the park in the direction it sees is best, not the direction of those holding the lease agreements.

Mr. Acosta agreed stating that the City will be in a better financial position in the future. He questioned the City's power to change the direction of the park. Mr. Smith noted his hope that the three entities would work together on this issue and come to agreement.

Mr. Sterner noted his support of the agreements as long as the park remains open to the public.

Ms. Reed suggested that as the City's financial position improves that attention first be given to inner-City parks and playgrounds to improve their condition. She stated that parks in outlying areas of the City should not receive attention until after the inner-City areas are improved. She noted the need of the City to plan for generations to come.

Mr. Acosta noted that the park must remain available to all. He stated that the new sign is beautiful but it seems as though one is entering campus when turning into the park. He noted his hope that the agreements are a good decision.

Ms. Goodman-Hinnershitz suggested forming an advisory panel with members from all three entities to direct the planning of the park usage. She stated that this would be representative of all points of view. She suggested ongoing dialog.

Mr. Acosta noted that citizens should also be represented on this panel.

Mr. Marmarou questioned if the City's law office has reviewed the lease agreements. Mr. Smith stated that these are outlines but that the official lease agreements have not yet been drafted. He reminded Council that if one of the entities fails there will be remedies under the lease agreement.

Mr. Marmarou requested Council review of the lease agreements before they are signed.

Ms. Murphy explained that there has been a committee working on the use of the park. She stated that there was broad participation. The Conservancy has absorbed this committee into its current structure. She noted her hope that Council feels Alvernia and the Conservancy are good partners.

Mr. Waltman requested a public meeting in this neighborhood to get resident feedback. He noted that residents need to help determine the future of this park. He also noted the need for Alvernia to address the signage. Mr. Smith stated that the signage was included in the lease agreement for the fields.

Mr. Waltman noted the need for people to know they are entering a City park not Alvernia's campus.

Mr. Acosta suggested that the outlines become draft lease agreements through the City's law office and be further reviewed by Council.

Mr. Waltman again encouraged public meetings before the agreements are signed.

Ms. Goodman-Hinnershitz questioned the position of the Administration on this issue. Mr. Geffken stated that he had not seen this information before this evening.

Ms. Reed stated that Mr. Spencer was quoted in the Reading Eagle as being supportive of the agreements.

The meeting adjourned at 6:05 pm.

Respectfully

Submitted

*Linda A. Kelleher, CMC, City Clerk*